

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE
CRIMINAL APPLICATION NO.4256 OF 2006

Ankush @ Annya Fapha Shinde Applicant

Versus

The State of Maharashtra Respondent

Mr.R.L.Majgaonkar for applicant

Mr.M.S.Mhambre, APP for State

CORAM : S.C.DHARMADHIKARI, J.

DATE : 5TH DECEMBER, 2006

P.C.:

1. The applicant is arrested in connection with C.R.No.62 of 2006 registered by Pangri Police Station, Taluka Barshi alleging offences punishable under Sections 395 and 397 of Indian Penal Code.

2. The applicant is arrested on 28.7.2006. He applied for bail but the application was rejected on the ground that the complainant had identified the applicant

during the identification parade. After the information is provided by the applicant the amount of Rs.10,000/= was recovered from a co-accused.

3. The applicant states that he is working as a labourer on daily wages in Sugar Factory at Solapur. He has a family and he being the only earning member so also the role attributed to him being limited, he could be enlarged on bail.

4. The learned advocate appearing for the applicant has pointed out that the charge-sheet is filed after investigations are completed. The applicant has been in custody for more than four months. The applicant has a one year old child, wife and mother to look after. He would not enter Barshi Taluka if released on bail till conclusion of trial.

5. In the light of the above submissions of the applicant's advocate so also the limited role attributed to the applicant in the crime, in my view, he deserves to be enlarged on bail with following conditions.

ORDER :

(i) The applicant arrested in connection with C.R.No.62 of 2006 registered with Pangri Police Station, Tal. Barshi, Dist. Solapur shall be enlarged on bail in the sum of Rs.7,500/= with one or two local sureties in the like sum;

(ii) The applicant shall not enter Barshi Taluka till the conclusion of the trial. The applicant shall reside at Usmanabad and report to Usmanabad Police Station once in a week till the conclusion of the trial.

(iii) The applicant shall furnish his address to the Investigating Officer where he proposes to reside after bail and during pendency of the trial. The applicant shall not change his residence without prior intimation to the Investigation Agency;

(iv) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner

tamper with prosecution evidence;

(v) The applicant shall cooperate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vi) Any observation/s made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vii) Application is disposed of in above terms.

(S.C.Dharmadhikari,J.)